

PROPOSED TECHNICAL AMENDMENTS TO ADWR RULES

DRAFT
2-23-07

TITLE 12. NATURAL RESOURCES

CHAPTER 15. DEPARTMENT OF WATER RESOURCES

ARTICLE 1. FEES

R12-15-151. Fee Schedule

A. No change.

B. The following fees shall be paid:

1. No change.

2. No change.

3. No change.

4. WELLS

~~a. Notice of intent to drill and issue drilling card 10.00~~

~~b. Application for permit to drill new or replacement~~

~~well and issue drilling card 50.00~~

~~e a.~~ No change.

~~d b.~~ No change.

~~e c.~~ No change.

~~f d.~~ No change.

~~g e.~~ No change.

~~h f.~~ No change.

~~i g.~~ No change.

~~j h.~~ No change.

~~k i.~~ No change.

~~l j.~~ No change.

~~m k.~~ No change.

5. No change.

6. No change.

7. No change.

8. No change.

9. No change.

10. No change.

11. No change.

12. No change.

13. No change.

C. No change.

ARTICLE 2. PROCEDURAL RULES

R12-15-207. Correction of Clerical Mistakes

Upon a motion or on the initiative of the Director ~~or the hearing officer~~, the Director ~~or the hearing officer~~ may correct clerical mistakes in decisions, orders, rulings, any process issued by the Department or other parts of the record, and errors in the record arising from oversight or omission. The Director ~~or the hearing officer~~ shall give all parties and the Chief Counsel notice of any corrections made pursuant to this rule.

R12-15-224. Ex Parte Communications

- A. During the course of a contested matter, a party shall not make an ex parte communication or knowingly cause an ex parte communication to be made to the Director, ~~a hearing officer~~, or other Department employee or consultant who is or may reasonably be expected to be involved in the decision-making process of the contested matter.
- B. During the course of a contested matter, the Department personnel listed in subsection (A) shall not make an ex parte communication or knowingly cause an ex parte communication to be made to a party or a person who will be materially and directly affected by the outcome of the contested matter.
- C. Any of the Department personnel listed in subsection (A) of this rule who receives a written communication prohibited by this rule shall file a copy of the communication

in the public docket and serve a copy on the Director ~~or the hearing officer~~, the Chief Counsel and all parties to the contested matter. Any of the Department personnel listed in subsection (A) of this rule who receives an oral communication prohibited by this rule shall file a summary of the communication in the public docket and serve a copy on the Director ~~or the hearing officer~~, the Chief Counsel and all parties to the contested matter.

- D. Upon receipt of an ex parte communication or a copy or summary of an ex parte communication made or knowingly caused to be made by a party in violation of this rule, the Director ~~or the hearing officer~~, to the extent consistent with the interests of justice and the policy of the underlying ~~states~~ statutes and rules, may require the party to show cause why his claim or interest in the contested matter should not be dismissed, denied or disregarded on account of such violation.
- E. For purposes of this rule, “ex parte communication” means any written or oral communication relating to the merits of a contested matter, except:
 - 1. Communications made in the course of official proceedings in the contested matter;
 - 2. Communications made in writing, if a copy of the communication is promptly served on the Director ~~or the hearing officer~~, the Chief Counsel and all parties to the contested matter;
 - 3. Oral communications made after adequate notice to all parties and the Chief Counsel;
 - 4. Communications relating solely to procedural matters; and
 - 5. As otherwise authorized by law.

ARTICLE 8. WELL CONSTRUCTION AND LICENSING OF WELL DRILLERS

R12-15-805. Examination for ~~well-drilling license~~ Well Drilling License

- A. No change.
- B. No change.
- C. No change.

- D. No change.
- E. The Director may exempt a qualifying party from taking the section on general knowledge, and one or more of the specialized sections, if the qualifying party provides proof of passing an equivalent examination given by the ~~National Water Well Association~~ National Ground Water Association.

R12-15-810. Authorization to ~~drill~~ Drill

~~A. The director shall, upon mailing a duplicate copy of the notice of intention to drill as provided in A.R.S. § 45-596(D), mail a drilling card to the designated well drilling contractor or single well licensee.~~

- ~~B~~ A. No change.
- € B. No change.

R12-15-816. Abandonment

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.
- H. A well not penetrating an aquifer shall include a surface seal, which shall be accomplished as follows:
 - 1. If the casing is removed from the top 20 feet of the well, a cement grout plug shall be set extending from two feet below the land surface to a minimum of ~~twenty~~ 20 feet below the land surface, and the well shall be backfilled above the top of the cement grout plug to the original land surface.
 - 2. If the casing is not removed from the top ~~ten~~ 20 feet of the well, a cement grout plug shall be set extending from the top of the casing to a minimum of ~~twenty~~ 20 feet below the land surface and the annular space outside the casing shall be filled

with cement from the land surface to a minimum of ~~twenty~~ 20 feet below the land surface.

- I. No change.
- J. No change.
- K. No change.

R12-15-822. Capping of ~~open wells~~ Open Wells

- A. No change.
- B. No change.
- ~~D~~ C. No change.

ARTICLE 12. DAM SAFETY PROCEDURES

R12-15-1210. Application to Construct, Reconstruct, Repair, Enlarge, Alter, Breach, or Remove a Low Hazard Potential Dam

- A. An application package to construct, reconstruct, repair, enlarge, or alter a low hazard potential dam shall include the following prepared by or under the supervision of an engineer as defined in R12-15-1202(11):
 - 1. No change.
 - 2. No change.
 - 3. No change.
 - 4. No change.
 - 5. No change.
 - 6. No change.
 - 7. No change.
 - 8. No change.
 - 9. A description of the use for the impounded or diverted water, proof of a right to appropriate, and a permit to store water as prescribed in A.R.S. §§ 45-152 and 45-161.
 - ~~9-10~~. No change.
 - ~~10-11~~. No change.

- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.
- H. No change.
- I. No change.
- J. No change.